



General Assembly

Distr.: General
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Fifty-sixth session

Agenda item 40

Resolution adopted by the General Assembly

[without reference to a Main Committee (A/56/L.65 and Add.1)]

56/215. The situation in Bosnia and Herzegovina

The General Assembly,

Recalling its resolution 55/24 of 14 November 2000 and all previously adopted resolutions, as well as all relevant resolutions of the Security Council, regarding the situation in Bosnia and Herzegovina,

Reaffirming its support for the independence, sovereignty, legal continuity and territorial integrity of Bosnia and Herzegovina, within its internationally recognized borders, and also reaffirming its support for the equality of the three constituent peoples and others in Bosnia and Herzegovina as a united country, with two multi-ethnic entities, according to the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"), signed in Paris on 14 December 1995,¹ which constitute the key mechanism for the achievement of a durable and just peace in Bosnia and Herzegovina,

Noting the significant progress that has been made since 1995 in implementing the provisions of the Peace Agreement, strengthening the rule of law in all of Bosnia and Herzegovina, and consolidating Bosnia and Herzegovina as a modern democratic State and civic society, fully respectful of the rule of law and committed to encouraging economic growth and promoting well-being for all its citizens,

Welcoming the commitment of the Government to speeding up the overall process of the reconstruction and democratization of Bosnia and Herzegovina, and noting the gradual progress that has been made in the development of efficient common institutions of Bosnia and Herzegovina,

Noting that corruption and the lack of transparency seriously hamper the economic development of Bosnia and Herzegovina, reiterating the need to combat all corruption, welcoming the important contribution made in that regard by the Customs and Fiscal Assistance Office, and expressing its full support for the efforts of the Council of Ministers of Bosnia and Herzegovina and local bodies and of others that are supportive in that regard,

¹ A/50/790-S/1995/999.

Welcoming the overall progress that has been made in supporting the return of refugees to all parts of the country, and reaffirming the most important principle that all who were forced to leave should feel free and secure to return to their homes,

Noting the importance for the future of Bosnia and Herzegovina for prosecutors to conclude successfully their investigation of war crimes and the whereabouts of those still missing after the war in Bosnia and Herzegovina, as well as the importance of full cooperation with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, especially with regard to surrendering all already indicted war criminals to the Tribunal,

Welcoming the efforts of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, reaffirming the fundamental importance of strengthening all aspects of the rule of law, and noting in that regard the ruling of the Constitutional Court of Bosnia and Herzegovina on the equality of the three constituent peoples throughout the territory of Bosnia and Herzegovina and progress made by the United Nations Mission in Bosnia and Herzegovina in ensuring a fully representative police force, free of corruption and dedicated to enforcing the laws of the country in an impartial way,

Reaffirming the importance for the future of Bosnia and Herzegovina of its successful integration into Europe, noting in that regard the progress made in fulfilling the conditions for entry into the Council of Europe, especially the adoption of the electoral law, welcoming the progress made in fulfilling conditions towards participation in the European Union Stabilization and Association Agreement, and stressing that the Stability Pact for South-Eastern Europe provides an additional contribution to the improvement of regional cooperation,

Welcoming the significant improvement of the overall mutual cooperation among the successor States of former Yugoslavia and the region as a whole, also welcoming the Memorandum of Understanding on intraregional trade liberalization signed on 27 June 2001 in Brussels, the agreement reached in Vienna regarding the succession of former Yugoslavia and its implementation, and underlining the importance of the establishment of diplomatic relations between the Federal Republic of Yugoslavia and Bosnia and Herzegovina,

Reaffirming the need to combat corruption, smuggling, human trafficking, organized crime, and extremism and other illegal activities, and noting in that regard the establishment of the State Border Service, which is expected to be completed in 2002,

Recognizing the importance of demining and assistance to mine victims for the safety of citizens of Bosnia and Herzegovina, and for the return of refugees and internally displaced persons,

Welcoming the achievements, and encouraging further efforts, in reducing military assets in line with the Agreement on Subregional Arms Control, welcoming the finalizing of the negotiations led by the Organization for Security and Cooperation in Europe within the framework of article V of annex 1-B of the Peace Agreement, and emphasizing the importance of the declaration issued by the Joint Presidency of Bosnia and Herzegovina to commence the process of the formal admission of Bosnia and Herzegovina to the Partnership for Peace,

1. *Notes* that it is the people and the Council of Ministers of Bosnia and Herzegovina who are ultimately responsible for the future of the country, and urges

them to work rapidly and intently on economic reform, refugee returns, joint State institution-building and full respect for the rule of law;

2. *Calls* for the full and early implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement")¹ which is essential for stability and cooperation in the region and the reintegration of Bosnia and Herzegovina at all levels;

3. *Welcomes* the progress that has been made towards the implementation of the Peace Agreement by the Government and its commitment to the full, comprehensive and consistent implementation thereof;

4. *Also welcomes* the prompt action of the State and entity institutions in adopting the comprehensive plan of action to prevent terrorist activities, increase security and protect people and property in Bosnia and Herzegovina, further welcomes the active role of Bosnia and Herzegovina in global efforts against terrorism, and in that regard calls upon Bosnia and Herzegovina to work with the international community to establish the State Border Service and have it fully deployed by the end of 2002, in accordance with the time frame of the United Nations Mission in Bosnia and Herzegovina;

5. *Supports fully* the efforts of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, in accordance with the Peace Agreement and subsequent declarations of the Peace Implementation Council, and notes the continuing need for the High Representative to use fully the authority of his office to deal with obstructionists, reaffirming the concept of "partnership" between the newly elected authorities of Bosnia and Herzegovina and the international community;

6. *Encourages* the political leadership of Bosnia and Herzegovina to extend cooperation with the States of South-Eastern Europe so as to promote and strengthen stability and confidence in the region;

7. *Urges* the entity parliaments and cantonal assemblies to implement promptly and fully the provisions of the ruling of the Constitutional Court of Bosnia and Herzegovina on the equality of all three constituent peoples throughout the territory of Bosnia and Herzegovina, and also urges the Constitutional Court to rule further on the status of those other than the three constituent peoples;

8. *Demands* that all the parties to the Peace Agreement fulfil their obligations towards the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, and encourages the authorities of Bosnia and Herzegovina to develop, in close cooperation with the international community, national court capacities to investigate and prosecute cases of war crimes;

9. *Urges* Member States, taking into account the orders and requests of the International Tribunal, to cooperate fully with it, in particular with regard to surrendering indictees, and to provide adequate financial support to the Tribunal;

10. *Reaffirms* the right of refugees and displaced persons to return voluntarily to their homes of origin in accordance with annex 7 of the Peace Agreement, encourages the acceleration of the peaceful, orderly and phased return of refugees and displaced persons, including in areas where they would be the ethnic minority, strongly condemns all acts of intimidation, violence and killings, including

those acts designed to discourage the voluntary return of refugees and displaced persons, demands that such acts be investigated and prosecuted, supporting the effective engagement of the Commission for Real Property Claims of Displaced Persons and Refugees, and calls upon all sides to implement the property laws imposed on 27 October 1999, in particular by evicting illegal occupants from the homes of returning refugees, and to ensure respect for individual rights to return and the establishment of the rule of law;

11. *Encourages* all concerned parties to provide information on all persons unaccounted for through the tracing mechanisms of the International Committee of the Red Cross and to cooperate fully with the Committee in its efforts to determine the identities, whereabouts and fate of those persons;

12. *Welcomes* the efforts of international and regional organizations, Member States and non-governmental organizations in Bosnia and Herzegovina, including through the Board of Donors and the Slovenian International Trust Fund for Demining and Mine Victims Assistance, and calls upon Member States to continue to support mine-action activities in Bosnia and Herzegovina;

13. *Stresses* the importance of establishing, strengthening and expanding throughout Bosnia and Herzegovina a free and pluralistic media, and deplores any actions that seek to intimidate or restrict the freedom of the media;

14. *Also stresses* the importance of the restoration and rebuilding of the historical and cultural heritage of Bosnia and Herzegovina in its original form;

15. *Further stresses* the need for a more comprehensive approach to implementing economic reforms, and underlines the fact that a self-sustainable, market-oriented economy operating in a single economic space, expeditious and transparent privatization, improved banking and capital markets, reformed financial systems, the provision of adequate social protection and the adoption by both entities of a law on pension reforms that meet economic standards are crucial for achieving lasting peace and stability in Bosnia and Herzegovina;

16. *Supports* the efforts by the High Representative and the Commander of the multinational Stabilization Force to weaken the continued political and economic influence of remaining parallel structures obstructing peace implementation;

17. *Notes* that the authorities of Bosnia and Herzegovina have defined the common defence policy of Bosnia and Herzegovina, affirming the importance for the national development of Bosnia and Herzegovina of creating, on the basis of agreed principles, a joint military command and seeking to establish a military structure of the appropriate size based on future projections and the legitimate security needs of Bosnia and Herzegovina which will contribute to regional security, and encourages them to carry out its conclusions promptly, fully and in full accordance with the Peace Agreement;

18. *Commends* the efforts of the international community, recognizes the continued importance of its role, welcomes its readiness to continue and streamline its efforts towards a self-sustainable peace, and recalls that the responsibility for consolidating peace and security lies with the authorities of Bosnia and Herzegovina;

19. *Decides* to include in the provisional agenda of its fifty-seventh session the item entitled "The situation in Bosnia and Herzegovina".

*91st plenary meeting
21 December 2001*



General Assembly

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Fifty-sixth session

Agenda item 21 (i)

Resolution adopted by the General Assembly

[without reference to a Main Committee (A/56/L.66 and Add.1 and A/56/L.67)]

56/216. Cooperation between the United Nations and the Organization for Security and Cooperation in Europe

The General Assembly,

Recalling the framework for cooperation and coordination between the United Nations and the Conference on Security and Cooperation in Europe, which was signed on 26 May 1993,¹ as well as its resolutions on cooperation between the two organizations,

Recalling also the principles embodied in the Helsinki Final Act and in the declaration at the 1992 Helsinki Summit by the heads of State or Government of the participating States of the Conference on Security and Cooperation in Europe of their understanding that the Conference is a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations and as such provides an important link between European and global security,²

Acknowledging the increasing contribution of the Organization for Security and Cooperation in Europe to the establishment and maintenance of international peace and security in its region through activities in early warning and preventive diplomacy, including through the activities of the High Commissioner on National Minorities, crisis management and post-conflict rehabilitation, as well as arms control and disarmament,

Recalling the Charter for European Security adopted at the Summit in Istanbul, Turkey, in November 1999, which reaffirms the Organization for Security and Cooperation in Europe as a primary organization for the peaceful settlement of disputes within its region and as a key instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation,

Recalling also the special ties between the Organization for Security and Cooperation in Europe and the Mediterranean Partners for Cooperation, as well as between that organization and the Asian Partners for Cooperation, Japan, the Republic of Korea and Thailand, which have been enhanced further in 2001,

¹ A/48/185, annex II, appendix.

² See A/47/361-S/24370, annex.

Underlining the continued importance of enhanced cooperation and coordination between the United Nations and the Organization for Security and Cooperation in Europe,

1. *Welcomes the report of the Secretary-General;¹*
2. *Notes with appreciation the further improvement of cooperation and coordination between the United Nations and its agencies and the Organization for Security and Cooperation in Europe, including at the level of activities in the field;*
3. *Welcomes, in this context, the meetings of the Secretary-General of the United Nations with the Chairman-in-Office and the Secretary-General of the Organization for Security and Cooperation in Europe, the participation of the Chairman-in-Office at a meeting of the Security Council in January 2001, the participation of the Director-General of the United Nations Office at Geneva in a meeting of the Ministerial Council of the Organization for Security and Cooperation in Europe, which was held in Bucharest on 3 and 4 December 2001, and the participation of high-level United Nations representatives in meetings of the Organization for Security and Cooperation in Europe;*
4. *Encourages further efforts of the Organization for Security and Cooperation in Europe to foster security and stability in its region through early warning, conflict prevention, crisis management and post-conflict rehabilitation, as well as through continued promotion of democracy, the rule of law, human rights and fundamental freedoms;*
5. *Welcomes the documents of the meeting of the Ministerial Council in Bucharest confirming the determination of the participating States of the Organization for Security and Cooperation in Europe to strengthen and deepen their cooperation with a view to protecting their citizens from new challenges to their security while safeguarding the rule of law, individual liberties and the right to equal justice under the law;*
6. *Commends the adoption of the decision and Action Plan on Terrorism, whereby participating States pledged to reinforce and develop bilateral and multilateral cooperation among themselves, with the United Nations and with other international and regional organizations in order to combat terrorism in all its forms and manifestations, wherever and by whomever committed, to contribute to the fulfilment of international obligations as enshrined, inter alia, in Security Council resolution 1373 (2001) of 28 September 2001, to act in conformity with the purposes and principles of the Charter of the United Nations, and to become parties to all twelve United Nations conventions and protocols related to terrorism as soon as possible;*
7. *Notes the review of the structures of the Organization for Security and Cooperation in Europe, undertaken at the initiative of the Romanian Chairmanship, with the goal of strengthening its efficiency, and the adoption of decisions to foster its role as a forum for political dialogue on issues of security and cooperation in Europe which promotes a more effective use of the means and mechanisms of the Organization for Security and Cooperation in Europe to counter threats and challenges to security and stability in its region;*

¹ A/56/125.

8. *Welcomes* the decisions to strengthen cooperation in the economic and environmental sphere and to enhance the role of the Organization for Security and Cooperation in Europe in police-related activities;

9. *Also welcomes* the documents of the Ministerial Council meeting in Bucharest on enhancing the effectiveness of the human dimension meetings of the Organization for Security and Cooperation in Europe, promoting tolerance and non-discrimination, combating trafficking in human beings, improving the situation of Roma and Sinti, and on promoting equal opportunities for women and men and the continued close cooperation between the Organization for Security and Cooperation in Europe, the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights;

10. *Notes with appreciation* the active involvement of the Organization for Security and Cooperation in Europe in Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia and its commitment to continue to contribute substantially to conflict prevention, crisis management, and post-conflict stabilization in the region, thereby fostering peace and stability in the area;

11. *Welcomes* the establishment and the work of the Mission of the Organization for Security and Cooperation in Europe to the Federal Republic of Yugoslavia to assist further progress in the consolidation of democracy, the strengthening of the rule of law and respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities;

12. *Expresses its appreciation* for the contribution by the Organization for Security and Cooperation in Europe to implementing Security Council resolution 1244 (1999) of 10 June 1999, in particular for its substantial role in the preparation and organization of the Kosovo-wide election on 17 November 2001, in view of the consolidation of stability and prosperity in Kosovo, Federal Republic of Yugoslavia, on the basis of substantial autonomy, respecting the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, pending a final settlement, in accordance with resolution 1244 (1999);

13. *Salutes* the commitment of participating States of the Organization for Security and Cooperation in Europe to the sovereignty, territorial integrity and unitary character of the former Yugoslav Republic of Macedonia and their offer to assist and support strongly the full and timely implementation of the Framework Agreement concluded on 13 August 2001, including the programmes on police training and reform, media and inter-ethnic relations;

14. *Supports* the priorities of the work of the Organization for Security and Cooperation in Europe for the continuous development of civil society and for increasing local ownership of the reform process in Bosnia and Herzegovina;

15. *Commends* the efforts to improve the coordination and efficiency of international engagement in the field of civilian implementation of the Dayton/Paris peace accords,⁴ as well as a timely decision on the best options for the succession of the United Nations International Police Task Force to allow for a smooth and comprehensive transition;

⁴ General Framework Agreement for Peace in Bosnia and Herzegovina, and the annexes thereto, initialled in Dayton, United States of America, on 21 November 1995 and signed in Paris on 14 December 1995 (A/50/790-S/1995/999).

16. *Underlines* the importance of regional cooperation as a means of fostering good-neighbourly relations, stability and economic development, welcomes the implementation of the Stability Pact for South-Eastern Europe under the auspices of the Organization for Security and Cooperation in Europe as an important long-term and comprehensive initiative to promote good-neighbourly relations, stability and economic development, and also welcomes the commitment of participating States of the Organization for Security and Cooperation in Europe to contribute further to the goals of the Stability Pact;

17. *Notes* the efforts undertaken in 2001 by the Republic of Moldova and the mediators of the Organization for Security and Cooperation in Europe, the Russian Federation and Ukraine towards negotiation for a comprehensive political settlement of the Transdnistrian issue, based on full respect of the sovereignty and territorial integrity of the Republic of Moldova, welcomes the fulfilment by the Russian Federation, ahead of the agreed time, of the commitments undertaken at the summit of the Organization for Security and Cooperation in Europe held in Istanbul, Turkey, in 1999 on the withdrawal and disposal of the equipment limited by the Treaty on Conventional Armed Forces in Europe⁵ located in the Transdnistrian region of the Republic of Moldova by the end of 2001, and encourages the timely fulfilment of other commitments concerning the Republic of Moldova undertaken by the participating States of the Organization for Security and Cooperation in Europe in Istanbul in 1999;

18. *Welcomes* the developments in the peace process in the Tshkhinvali region/South Ossetia, Georgia, and the steps to reduce the quantities of small arms and light weapons in that region, as well as the progress made in 2001 towards meeting the commitments made in Istanbul on the future of Russian forces in Georgia, including the closure of the Russian base at Vaziani and the withdrawal of the equipment from the Russian base at Gudauta, encourages the implementation of the other Istanbul commitments, and with regard to Abkhazia, Georgia, calls for the resumption of a constructive dialogue aimed at achieving a comprehensive settlement, including a definition of the political status of Abkhazia as a sovereign entity within the State of Georgia;

19. *Acknowledges* the significant contribution to stability and confidence in the region made by the border monitoring operation of the Organization for Security and Cooperation in Europe along the border between Georgia and the Chechen Republic of the Russian Federation;

20. *Notes with satisfaction* the engagement of the Organization for Security and Cooperation in Europe towards cooperation with the five participating States of Central Asia, which has continued to grow in all dimensions, thus contributing to stability and prosperity in the region, as well as the commitment of the Organization for Security and Cooperation in Europe to assist in addressing specific threats to stability and security for the Central Asian participating States, and appreciates the valuable contribution of the Bishkek International Conference on enhancing security and stability in Central Asia, held on 13 and 14 December 2001, to addressing those problems, which are shared concerns among the participating States of the Organization for Security and Cooperation in Europe;

21. *Fully supports* the activities of the Organization for Security and Cooperation in Europe to achieve a peaceful solution to the conflict in and around

⁵ CD/1064.

the Nagorny-Karabakh region of the Republic of Azerbaijan, and welcomes cooperation between the United Nations and the Organization for Security and Cooperation in Europe in this regard;

22. *Expresses deep concern* at the failure to achieve a settlement of the Nagorny-Karabakh conflict despite the intensified dialogue between the parties and the active support of the Co-Chairmen of the Minsk Group of the Organization for Security and Cooperation in Europe, reaffirms that the prompt resolution of that protracted conflict will contribute to lasting peace, security, stability and cooperation in the South Caucasus region, reiterates the importance of continuing the peace dialogue, calls upon the sides to continue their efforts to achieve an early resolution of the conflict based on the norms and principles of international law, encourages the parties to explore further measures that would enhance mutual confidence and trust, including the release of prisoners of war, welcomes the commitment of the parties to the ceasefire and to achieving a peaceful and comprehensive settlement, and encourages the parties to continue their efforts, with the active support of the Co-Chairmen, to reach a just and enduring settlement;

23. *Decides* to include in the provisional agenda of its fifty-seventh session the item entitled "Cooperation between the United Nations and the Organization for Security and Cooperation in Europe", and requests the Secretary-General to submit to the General Assembly at its fifty-seventh session a report on cooperation between the United Nations and the Organization for Security and Cooperation in Europe in implementation of the present resolution.

*91st plenary meeting
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General Assembly

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Fifty-sixth session
Agenda item 20

Resolution adopted by the General Assembly

[without reference to a Main Committee (A/56/L.64 and Add.1)]

56/217. Safety and security of humanitarian personnel and protection of United Nations personnel

The General Assembly,

Reaffirming its resolution 46/182 of 19 December 1991 on strengthening of the coordination of humanitarian emergency assistance of the United Nations,

Recalling its resolutions 53/87 of 7 December 1998, 54/192 of 17 December 1999 and 55/175 of 19 December 2000 on safety and security of humanitarian personnel and protection of United Nations personnel, as well as resolutions 52/167 of 16 December 1997 on safety and security of humanitarian personnel and 52/126 of 12 December 1997 on protection of United Nations personnel,

Taking note of the report of the Secretary-General on the protection of civilians in armed conflict¹ and of Security Council resolutions 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000 and the recommendations made therein, as well as the statements by the President of 30 November 1999, on the role of the Security Council in the prevention of armed conflicts,² 13 January 2000, on humanitarian assistance to refugees in Africa,³ 9 February 2000, on protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones,⁴ and 9 March 2000, on humanitarian aspects of issues before the Security Council,⁵ and in this context also noting the range of views expressed during all open debates of the Security Council on these issues,

Taking note also of the report of the Special Committee on Peacekeeping Operations,⁶ as well as the report of the Special Committee⁷ on the report of the

¹ S/2001/331.

² S/PRST/1999/34; see *Resolutions and Decisions of the Security Council, 1999*.

³ S/PRST/2000/1; see *Resolutions and Decisions of the Security Council, 2000*.

⁴ S/PRST/2000/4; see *Resolutions and Decisions of the Security Council, 2000*.

⁵ S/PRST/2000/7; see *Resolutions and Decisions of the Security Council, 2000*.

⁶ A/55/1024 and Corr.1.

⁷ A/C.4/55/6.

Panel on United Nations Peace Operations⁸ and the report of the Secretary-General on the implementation of the report of the Panel,⁹

Reaffirming the need to promote and ensure respect for the principles and rules of international humanitarian law,

Deeply concerned by the growing number of complex humanitarian emergencies in the past few years, in particular in armed conflicts and in post-conflict situations, which have dramatically increased the loss of human lives, in particular of civilians, the suffering of victims, flows of refugees and internally displaced persons, as well as material destruction, which disrupt the development efforts of the countries affected, in particular those of developing countries,

Concerned by the increasingly difficult context in which humanitarian assistance takes place in some areas, in particular the continuous erosion, in many cases, of respect for the principles and rules of international humanitarian law,

Deeply concerned by the dangers and security risks faced by humanitarian personnel and United Nations and associated personnel at the field level, and mindful of the need to improve the current security management system in order to improve their safety and security,

Strongly deploring the rising toll of casualties among national and international humanitarian personnel and United Nations and associated personnel in complex humanitarian emergencies, in particular in armed conflicts and in post-conflict situations,

Strongly condemning the acts of murder and other forms of violence, rape and sexual assault, intimidation, armed robbery, abduction, hostage-taking, kidnapping, harassment and illegal arrest and detention to which those participating in humanitarian operations are increasingly exposed, as well as attacks on humanitarian convoys and acts of destruction and looting of their property,

Strongly condemning also all incidents in many parts of the world in which humanitarian personnel have been deliberately targeted, and expressing profound regret at the deaths of all United Nations and other personnel involved in the provision of humanitarian assistance,

Reaffirming that ensuring the safety and security of United Nations personnel constitutes an underlying duty of the Organization, which must be based on a necessary cost-sharing arrangement with the relevant agencies, funds and programmes within the United Nations system,

Recalling that primary responsibility under international law for the security and protection of humanitarian personnel and United Nations and associated personnel lies with the Government hosting a United Nations operation conducted under the Charter of the United Nations or its agreements with relevant organizations,

Urging all other parties involved in armed conflicts, in compliance with international humanitarian law, in particular their obligations under the Geneva Conventions of 12 August 1949¹⁰ and the obligations applicable to them under the

⁸ See A/55/305-S/2000/809.

⁹ A/55/502.

¹⁰ United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

Additional Protocols thereto, of 8 June 1977,¹¹ to ensure the security and protection of all humanitarian personnel and United Nations and associated personnel,

Expressing concern that the occurrence of attacks and threats against humanitarian personnel and United Nations and associated personnel is a factor that increasingly restricts the ability of the Organization to provide assistance and protection to civilians in fulfilment of its mandate and Charter,

Recalling the inclusion of attacks intentionally directed against personnel involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter as a war crime in the Rome Statute of the International Criminal Court, adopted on 17 July 1998,¹² and noting the role that the Court could play in appropriate cases in bringing to justice those responsible for serious violations of international humanitarian law,

Noting that the Convention on the Safety of United Nations and Associated Personnel, which entered into force on 15 January 1999,¹³ has been ratified by fifty-five Member States as at the present date,

Mindful of the need to promote universality of the Convention on the Safety of United Nations and Associated Personnel,

Reaffirming the fundamental requirement that appropriate modalities for the safety and security of humanitarian personnel and United Nations and associated personnel be incorporated into all new and ongoing United Nations field operations,

Increasingly concerned at the need to ensure adequate levels of safety and security for United Nations personnel and humanitarian personnel and a culture of accountability at all levels, from the highest to the lowest, throughout the United Nations system, and in this regard commending the recent efforts by the United Nations agencies, funds and programmes aimed at the improvement of security management and training of their personnel,

Commending the courage and commitment of those who take part, often at great personal risk, in humanitarian operations, especially of locally recruited staff,

Guided by the relevant provisions on protection contained in the Convention on the Privileges and Immunities of the United Nations of 13 February 1946,¹⁴ the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947,¹⁵ the Convention on the Safety of United Nations and Associated Personnel, the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949¹⁶ and the Additional Protocols to the Geneva Conventions, and Amended Protocol II of 3 May 1996¹⁷ to the Convention on Prohibitions and Restrictions on the Use of Certain Conventional Weapons

¹¹ Ibid., vol. 1125, Nos. 17512 and 17513.

¹² A/CONF.183/9.

¹³ Resolution 49/59, annex.

¹⁴ Resolution 22 A (I).

¹⁵ Resolution 179 (II).

¹⁶ United Nations, *Treaty Series*, vol. 75, No. 973.

¹⁷ CCW/CONF.I/16 (Part I), annex B.

Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects of 10 October 1980,¹⁸

1. *Takes note with appreciation* of the report of the Secretary-General on the safety and security of humanitarian personnel and protection of United Nations personnel;¹⁹

2. *Urges* all States to take the necessary measures to ensure the full and effective implementation of the relevant principles and rules of international law, including international humanitarian law, as well as the relevant provisions of human rights and refugee law related to the safety and security of humanitarian personnel and United Nations personnel;

3. *Also urges* all States to take the necessary measures to ensure the safety and security of humanitarian personnel and United Nations and associated personnel and to respect and ensure respect for the inviolability of United Nations premises, which are essential to the continuation and successful implementation of United Nations operations;

4. *Calls upon* all Governments and parties in complex humanitarian emergencies, in particular in armed conflicts and in post-conflict situations, in countries in which humanitarian personnel are operating, in conformity with the relevant provisions of international law and national laws, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel in order to allow them to perform efficiently their task of assisting the affected civilian population, including refugees and internally displaced persons;

5. *Strongly condemns* any act or failure to act, contrary to international law, which obstructs or prevents humanitarian personnel and United Nations personnel from discharging their humanitarian functions, or which entails being subjected to threats, the use of force or physical attack, frequently resulting in injury or death, and affirms the need to hold accountable those who commit such acts and, for that purpose, the need to enact national legislation, as appropriate;

6. *Urges* all States to ensure that any threat or act of violence committed against humanitarian personnel on their territory is fully investigated and to take all appropriate measures, in accordance with international law and national law, to ensure that the perpetrators of such acts are duly prosecuted;

7. *Requests* the Secretary-General to take the necessary measures to ensure full respect for the human rights, privileges and immunities of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to continue to consider ways and means in which to strengthen the protection of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, notably by seeking the inclusion, in negotiations of headquarter and other mission agreements concerning United Nations and associated personnel, of the applicable conditions contained in the Convention on the Privileges and Immunities of the United Nations,¹⁴ the Convention on the Privileges and Immunities of the Specialized

¹⁸ See *The United Nations Disarmament Yearbook*, vol. 5, 1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII.

¹⁹ A/56/384 and Corr.1.

Agencies¹⁵ and the Convention on the Safety of United Nations and Associated Personnel;¹³

8. *Emphasizes* the importance of paying special attention to the safety and security of United Nations and associated personnel engaged in United Nations peacekeeping and peace-building operations;

9. *Recommends* that the Secretary-General continue to seek the inclusion of relevant provisions of the Convention on the Safety of United Nations and Associated Personnel in the status-of-forces or status-of-mission agreements concluded by the United Nations;

10. *Calls upon* all States to provide adequate and prompt information in the event of arrest or detention of humanitarian personnel or United Nations personnel, to afford them the necessary medical assistance and to allow independent medical teams to visit and examine the health of those detained, and urges them to take the necessary measures to ensure the speedy release of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who have been arrested or detained in violation of their immunity, in accordance with the relevant conventions referred to in the present resolution and applicable international humanitarian law;

11. *Underlines* the need to allocate adequate and predictable resources to the safety and security of United Nations personnel;

12. *Calls upon* all other parties involved in armed conflicts, in compliance with international humanitarian law, in particular their obligations under the 1949 Geneva Conventions¹⁰ and the obligations applicable to them under the Additional Protocols thereto,¹¹ to ensure the safety and protection of humanitarian personnel and United Nations and associated personnel, to refrain from abducting or detaining them in violation of their immunity under relevant conventions referred to in the present resolution and applicable international humanitarian law, and speedily to release, without harm, any abductee or detainee;

13. *Encourages* all States to become parties to and respect fully their obligations under the relevant international instruments, including the Convention on the Safety of United Nations and Associated Personnel;

14. *Calls upon* all States to consider becoming parties to the Rome Statute of the International Criminal Court;¹²

15. *Reaffirms* the obligation of all humanitarian personnel and United Nations and associated personnel to observe and respect the national laws of the country in which they are operating, in accordance with international law and the Charter of the United Nations;

16. *Calls upon* all States to promote a climate of respect for the security of United Nations and humanitarian personnel;

17. *Requests* the Secretary-General to take the necessary measures, falling within his responsibilities, to ensure that security matters are an integral part of the planning for existing and newly mandated United Nations operations and that such precautions extend to all United Nations and associated personnel;

18. *Also requests* the Secretary-General to take the necessary measures to ensure that United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation are properly informed about the conditions under which they are called upon to operate, including relevant customs

and traditions in the host country, and the standards that they are required to meet, including those contained in relevant domestic and international law, and that adequate training in security, human rights and international humanitarian law is provided so as to enhance their security and effectiveness in accomplishing their functions, and reaffirms the necessity for all other humanitarian organizations to provide their personnel with similar support;

19. *Emphasizes* the need to give further consideration to the safety and security of locally recruited humanitarian personnel, who account for the majority of casualties, and United Nations and associated personnel;

20. *Requests* the Office of the United Nations Security Coordinator to continue to play a central role in promoting increased cooperation and collaboration among agencies, funds and programmes in the planning and implementation of measures aimed at improving staff security training and awareness;

21. *Stresses* the need to ensure that all United Nations staff members receive adequate security training, including physical and psychological training, prior to their deployment to the field, the need to attach a high priority to the improvement of stress and trauma counselling services available to United Nations staff members, including through the implementation of a comprehensive security and stress and trauma management training, support and assistance programme for United Nations staff throughout the system, before, during and after missions, and the need to make available to the Secretary-General the means for this purpose;

22. *Encourages* all States to contribute to the Trust Fund for Security of Staff Members of the United Nations System;

23. *Reaffirms* the need to strengthen the Office of the United Nations Security Coordinator, and in this regard reiterates the need for the appointment of a full-time Security Coordinator, at the appropriate level, so as to enable the Office to enhance its capacity in the discharge of its duties, in consultation with the Office for the Coordination of Humanitarian Affairs of the Secretariat and appropriate agencies within the Inter-Agency Standing Committee, and calls for expeditious consideration of this recommendation;

24. *Recognizes* the need for a strengthened and comprehensive security management system for the United Nations system, both at the headquarters and the field level, and requests the United Nations system, as well as Member States, to take all appropriate measures needed to that end;

25. *Also recognizes* the need for enhanced coordination and cooperation, both at the headquarters and the field level, between the United Nations security management system and non-governmental organizations on matters relating to the safety and security of humanitarian personnel and United Nations and associated personnel, with a view to addressing mutual security concerns in the field;

26. *Welcomes* the establishment, in accordance with resolution 56/89 of 12 December 2001, of an Ad Hoc Committee open to all Member States or members of the specialized agencies or of the International Atomic Energy Agency, to consider the recommendations made by the Secretary-General in his report on measures to strengthen and enhance the protective legal regime for United Nations and associated personnel;²⁰

²⁰ See A/55/637.

27. *Calls upon* all States to consider becoming parties to and to respect fully their obligations under the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies, which have been ratified so far by one hundred and forty-five States and one hundred and seven States, respectively;

28. *Recalls* the essential role of telecommunication resources in facilitating the safety of humanitarian personnel and United Nations and associated personnel, *calls upon* States to consider signing and ratifying the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations of 18 June 1998,²¹ and encourages them, pending the entry into force of the Convention, to facilitate, consistent with their national laws and regulations, the use of communications equipment in such operations;

29. *Requests* the Secretary-General to submit to it at its fifty-seventh session a comprehensive, updated report on the safety and security situation of humanitarian personnel and protection of United Nations personnel and on the implementation of the present resolution, including the progress made by the Secretary-General in pursuing accountability and assessing responsibility for all individual security incidents that involve United Nations and associated personnel at all levels throughout the United Nations system, as well as an account of the measures taken by Governments and the United Nations to prevent and respond to such incidents.

*91st plenary meeting
21 December 2001*

²¹ United Nations, *Treaty Series*, vol. 1586, No. 27688.